

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 4, 2002 LB 824

the rest of the section would be struck beginning with "or" on line 8 and ending with "pregnancy" on line 10. And I'd yield my time to Senator Chambers.

SENATOR CUDABACK: Senator Chambers, you have almost five minutes.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, what this amendment does is go...it goes into Section 5 where we are defining first-degree murder. We had discussion the last time we were on this bill relative to subsection (b), which dealt with the administration of poison, the administering of poison. We adopted an amendment which said that there must be knowledge and intent before the administering of poison could result in a first-degree murder charge. Once that language had been adopted there was no need any longer to have subsection (b). What subsection (b) did originally was to take something that could have been an accident and elevated it to the level of first-degree murder and I don't think that could have stood anyway. But where we are now, having dealt with subsection (b) by requiring knowledge and intent where poison is concerned, there is no need to have that language at all. What we would have left is the definition of first-degree murder and it would apply no matter what instrumentality was used to bring it about. If, through the administration of poison which would be done with intent, deliberation, and premeditated malice, first-degree murder could be charged. If a hammer was used a...however the homicide was committed, if there preceded the homicidal act intent, deliberation, and premeditated malice to kill the unborn child or the mother of the unborn child with knowledge of the pregnancy, there would be a basis for charging first-degree murder. What Senator Schimek's amendment does, now to wrap that up, is to strike subsection (b) of Section 5 because it no longer is needed, and in this instance I think a gentleman gave place to a lady so I'm going to ask that gentleman a question. Senator Foley.

SENATOR CUDABACK: Senator Foley.

SENATOR CHAMBERS: Senator Foley.